

Application No.: 09/515,914  
Amendment dated: October 7, 2004  
Reply to Office Action of: April 7, 2004

### **REMARKS**

This amendment is responsive to the final Office Action dated April 7, 2004. Claims 97 – 113 are pending in this case, all of which have been amended constructively by amendment of the single independent claim 97. Consideration of the claims as currently presented is respectfully requested.

In accordance with the prosecution history of the claims here, issues have distilled to certain structural and functional distinctions between the primary reference D'Agostino and the systems defined by the claims. Specifically, the issues involve: (1) the single sales entity of D'Agostino ("the financial institution," column 4 line 8) contrasted against the plural "vendor groups" of applicant systems; (2) the multiple mode operation of Applicant's system contrasted to the multiple phase (sequential) operation of D'Agostino (column 6, lines 49-56); and (3) the processing of data to accomplish a seller selection as defined by Applicant's claims versus the push-button selection of the D'Agostino system (column 4, line 23). These distinctions are treated in greater detail below.

Initially, consider the lack of a plurality of vendor groups in the D'Agostino system. The basis of the D'Agostino disclosure appears at column 6, lines 27-43. As disclosed, by depressing a button, the caller selects a financial service, e.g. "insurance" etc. However, each of the services is provided from a single vendor. Accordingly, there is no vendor selection that results from processing. Related to this distinction is a further distinction involving the function of the interconnect system as specified in claim 97.

Specifically, Applicant contends that D'Agostino fails to disclose the selective coupling of the claimed "interconnect system" recited in claim 19. The basis for the asserted disclosure

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appears in D'Agostino at column 4, lines 21-19. However, at that location the structure is again described which involves a caller depressing a select button to select the desired service. No stored information is involved nor is any processing involved. Accordingly, as claim 97 is currently presented, a second clear and expressed distinction is provided.

Still another distinction as indicated above is somewhat related to the above considerations. Specifically, the recited "two modes" as specified in claim 97 clearly distinguish the teachings of D'Agostino.

The basis for an D'Agostino teaching appears in column 6 at lines 49-56. However, the described operation simply involves two phases of an D'Agostino interface. In the first phase, the customer causes a digital image of himself to appear on the display of his terminal. However, after introductions are complete, the financial institution representative actuates the system to display a menu on the customer's terminal. The two sequential phases are clearly distinct from the two operating modes alternatively involving analog or digital lines as claimed.

As cosmetically amended, claim 97 emphatically states such structure in the first and fourth claim elements. Such structure is as disclosed in a specification, for example on page 28.

The distinctions treated above clearly define a total system that is distinct from D'Agostino in every way, specifically philosophically, structurally and operationally. Applicant's system involves flexible vendor selection on the basis of stored data to accommodate alternative forms of communication for accomplishing electronic commerce transactions. In view of the present form of the claims as cosmetically amended, and the comments set forth above, reconsideration is respectfully requested, in that claim 97 is allowable and carries to allowance each of the dependent claims 98-130, which are further distinct as recited.

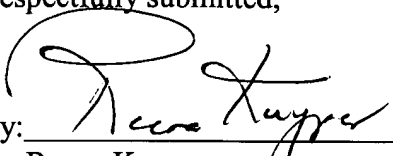
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Respectfully, Applicant urges the Examiner to reconsider her rejections in view of the above arguments.

Favorable consideration and allowance of the claims pending here is respectfully requested.

Respectfully submitted,

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